

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

I. STATUS OF THE CLAIMS

None of the claims are amended herein.

In view of the above, it is respectfully submitted that claims 1-10 are currently pending and under consideration.

II. REJECTION OF CLAIMS 1, 2, 4, 5, 7, AND 10 UNDER 35 U.S.C. § 103(A) AS BEING UNPATENTABLE OVER BARNI ET AL. (US PATENT 6,064,981) IN VIEW OF OKUMURA (US PUBLICATION 2002/0032633)

In item 7 on page 4 of the Office Action, claims 1, 2, 4, 5, 7, 8, and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Barni et al. (US 6,064,981) in view of Okumura (USPN 2002/0032633).

However, it is noted that Okumura was published after the filing date of the present application and is assigned to the same assignee, Fujitsu Limited, as the present application.

According to 35 U.S.C. § 103(c)(1),

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Thus, Okumura is excluded from the 35 U.S.C. § 103(a) rejection.

In view of the above, it is respectfully submitted that the rejection is overcome.

III. REJECTION OF CLAIMS 3, 6, AND 9 UNDER 35 U.S.C. § 103(A) AS BEING UNPATENTABLE OVER BARNI ET AL. (US PATENT 6,064,981) IN VIEW OF YAMAJI ET AL. (US PUBLICATION 2002/0010611)

In item 8 on page 8 of the Office Action, claims 3, 6, and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Barni et al. (US 6,064,981) in view of Yamaji et al. (USPN 2002/0010611).

The present invention as recited in claim 3, for example, relates to a price information mediating process comprising "selectively reporting the updated selling price to said user in case

where said updated selling price takes a value less than said desired purchasing price stored in said second storage means."

Barni is different from the present invention because Barni teaches that a customer's desired purchasing price is transmitted equally to all the freight companies participating in the auction. Barni does not teach or suggest that the server determines and selects appropriate product suppliers to whom the user's desired purchasing price is to be presented. Moreover, Barni does not teach that the server selectively reports an updated selling price to the user in case where the updated selling price takes a value less than the user's desired purchasing price.

Yamaji teaches an order taking apparatus. In item 4 on page 3 of the Office Action, the Examiner states, "it is obvious that Yamaji et al does not transmit updated pricing information to all customer[s], but rather selectively transmitting the information to customers who have opted to receive such information."

Applicant's respectfully disagree with the Examiner's statement. Yamaji differs from the present invention because Yamaji teaches that the updated information is automatically transmitted to all the registered users. It is clear from the disclosure in paragraph 0073 of Yamaji that it is the customer that makes a specific request of information to the server (i.e., "customers who have opted to receive such information" as pointed out by the Examiner). Yamaji does not teach that the server *selectively* transmits the information to the customers as suggested by the Examiner.

The present invention teaches that the updated selling price is selectively reported to only those users where the updated selling price takes a value less than the stored desired purchasing price. Therefore, Yamaji does not teach the features as recited in claim 3 of the present invention.

Similar to claim 3, independent claim 6 recites, "selectively reporting the updated selling price to said user in case where said updated selling price takes a value less than said desired purchasing price stored in said second storage means." Thus, independent claim 6 also distinguishes over the cited prior art.

Dependent claim 9 (depending from claim 7) recites patentably distinguishing features of its own, and further, is at least patentably distinguishing due to its dependency from independent claim 7.

In view of the above, it is respectfully submitted that the rejection is overcome.

IV. CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that each of the claims patentably distinguishes over the prior art, and therefore defines allowable subject matter. A prompt and favorable reconsideration of the rejection along with an indication of allowability of all pending claims are therefore respectfully requested.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 7-14-06

By: Derrick L. Fields
Derrick L. Fields
Registration No. 50,133

1201 New York Avenue, NW, 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501